

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

REBECCA R. BAKER,)
)
Plaintiff,)
)
v.)
)
HOMEGOODS, INC., THE TJX)
COMPANIES, INC., RP JACKSON)
PLAZA, LLC, RISE PARTNERS, LLC,)
DBS CORPORATION, and ARTECH)
DESIGN GROUP, INC.,)
)
Defendants.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, HomeGoods, Inc., gives rise to removal of this action from the Circuit Court of Putnam County, Tennessee, Docket No: 2020-CV-146, to the United States District Court for the Middle District of Tennessee, Northeastern Division.

As grounds for this removal, HomeGoods states as follows:

1. According to the Complaint, the Plaintiff Rebecca Baker is a resident of Greenville, Kentucky.
2. Ms. Baker claims to have fallen and suffered injuries at a HomeGoods store in Cookeville, TN when she tripped on a doorstop in the ladies' room on August 17, 2019. (See Complaint, ¶ 17) Further that Ms. Baker suffered serious and debilitating injuries. (Complaint, ¶ 18)
3. HomeGoods is a foreign company doing business in Tennessee.

4. RP Jackson Plaza, LLC is the owner of the building located in Cookeville, Tennessee (Complaint, ¶ 5)

5. Rise Partners, LLC is a Tennessee limited liability company who is a developer and leasing agent. (Complaint ¶ 6)

6. DBS Corporation is general contractor that did work on the project and whose agent is in Chattanooga Tennessee.

7. Artech Design Group, Inc. is the architect of the bathroom but the registered agent Chattanooga Tennessee.

8. Plaintiff's request compensatory damages in the amount of \$750,000.

9. The Plaintiff is a resident of Kentucky and all other defendants are residents of other states. Therefore, complete diversity exists between the parties and the amount in controversy is in excess of \$75,000 in accordance with 28 U.S.C. § 1332. Accordingly, jurisdiction is conferred under 28 U.S.C. §1332.

10. This case is an action over which the court has original jurisdiction under 28 U.S.C. §1333 and is one which may be removed to the Court by defendant HomeGoods, pursuant to the provisions of 28 U.S.C. §1441(a) and that it is a civil action brought in a state court of which the District Court of the United States has original jurisdiction.

11. The last Defendant upon information and belief was served less than thirty (30) days of the filing of this removal as set forth in 28 U.S.C. §1446(b).

12. Pursuant to 28 U.S.C. §1446(a), copies of all pleadings to date are attached as Exhibit "A".

13. HomeGoods will provide notice to the Plaintiff of this removal, through delivery of a copy of the Notice of Removal to their counsel of record, and to the clerk of the Circuit Court

of Putnam County, through filing into the record therein a Notice of Filing Notice of Removal pursuant to 28 U.S.C. §1446(b).

Respectfully submitted,

LUTHER - ANDERSON, PLLP

BY: /s/ Alaric A. Henry

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CONSENT TO REMOVAL

As required by 28 U.S.C. §1446(b)(2)(A) both HomeGoods, Inc., Rise Partners, LLC, DBS Corporation and Artech Design Group, Inc. that have been served, consent to removal. The TJX Companies, Inc. has been Nonsuited, if at the time of this filing they are not yet dismissed they would also consent to removal. It is unknown if RP Jackson Plaza, LLC has been served and they have no attorney of record. Therefore, no consent is required.

WHEREFORE HomeGoods respectfully requests this Court to take jurisdiction of this action, and that this case be removed from the Circuit Court of Putnam County, State of Tennessee to this court.

CERTIFICATE OF SERVICE

This is to certify that I have this day served the following named person with a true and exact copy of this Notice of Removal by placing same in the United States Mail, addressed to said counsel at his/her office with sufficient postage thereupon to carry the same to its destination at the following address:

Rebecca C. Blair
The Blair Law Firm
1608 Westgate Circle, Suite 100
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Edward H. Trent
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1420 Neal Street, Suite 201
P.O. Box 655
Cookeville, TN 38503-0655

RP Jackson Plaza, LLC
Register Agent: Geoffrey W. Smith
Volunteer Building, Suite 507
832 Georgia Avenue
Chattanooga, TN 37402

This 13th day of October, 2020.

LUTHER - ANDERSON, PLLP

BY: /s/ Alaric A. Henry